

106TH CONGRESS
1ST SESSION

S. 1507

To authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native American Alco-
5 hol and Substance Abuse Program Consolidation Act of
6 1999”.

7 **SEC. 2. STATEMENT OF PURPOSE.**

8 The purposes of this Act are (a) to enable Indian
9 tribes to consolidate and integrate alcohol and other sub-

1 stance abuse prevention, diagnosis and treatment pro-
 2 grams to provide unified and more effective and efficient
 3 services to Native Americans afflicted with alcohol and
 4 other substance abuse problems; and (b) to recognize that
 5 Indian tribes can best determine the goals and methods
 6 for establishing and implementing prevention, diagnosis
 7 and treatment programs for their communities, consistent
 8 with the policy of self-determination.

9 **SEC. 3. DEFINITIONS.**

10 For the purposes of this Act, the following definitions
 11 shall apply:

12 (1) **FEDERAL AGENCY.**—The term “Federal
 13 agency” has the same meaning given the term in
 14 section 551(1) of title 5, United States Code.

15 (2) **INDIAN TRIBE.**—The terms “Indian tribe”
 16 and “tribe” shall have the meaning given the term
 17 “Indian tribe” in section 4(e) of the Indian Self-De-
 18 termination and Education Assistance Act.

19 (3) **INDIAN.**—The term “Indian” shall have the
 20 meaning given such term in section 4(d) of the In-
 21 dian Self-Determination and Education Assistance
 22 Act.

23 (4) **SECRETARY.**—Except where otherwise pro-
 24 vided, the term “Secretary” means the Secretary of
 25 the Interior.

1 **SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.**

2 The Secretary of the Interior, in cooperation with the
3 appropriate Secretary of Labor, Secretary of Health and
4 Human Services, Secretary of Education, Secretary of
5 Housing and Urban Development, United States Attorney
6 General, Secretary of Transportation, and Director of the
7 National Institutes of Health shall, upon the receipt of
8 a plan acceptable to the Secretary submitted by an Indian
9 tribe, authorize the tribe to coordinate, in accordance with
10 such plan, its federally funded alcohol and substance
11 abuse in a manner that integrates the program services
12 involved into a single, coordinated, comprehensive program
13 and reduces administrative costs by consolidating adminis-
14 trative functions.

15 **SEC. 5. PROGRAMS AFFECTED.**

16 The programs that may be integrated in any such
17 plan referred to in section 4 shall include any program
18 under which an Indian tribe is eligible for receipt of funds
19 under a statutory or administrative formula for the pur-
20 poses of prevention, diagnosis or treatment of alcohol and
21 other substance abuse problems and disorders, or any pro-
22 gram designed to enhance the ability to treat, diagnose
23 or prevent alcohol and other substance abuse and related
24 problems and disorders.

1 **SEC. 6. PLAN REQUIREMENTS.**

2 For a plan to be acceptable pursuant to section 4,
3 it shall—

4 (1) Identify the programs to be integrated;

5 (2) be consistent with the purposes of this Act
6 authorizing the services to be integrated into this
7 project;

8 (3) describe a comprehensive strategy which
9 identifies the full range of existing and potential di-
10 agnosis, treatment and prevention programs avail-
11 able on and near the tribe's service area;

12 (4) describe the way in which services are to be
13 integrated and delivered and the results expected
14 under the plan;

15 (5) identify the projected expenditures under
16 the plan in a single budget;

17 (6) identify the agency or agencies in the tribe
18 to be involved in the delivery of the services inte-
19 grated under the plan;

20 (7) identify any statutory provisions, regula-
21 tions, policies or procedures that the tribe believes
22 need to be waived in order to implement its plan;
23 and

24 (8) be approved by the governing body of the
25 tribe.

1 **SEC. 7. PLAN REVIEW.**

2 Upon receipt of the plan from a tribal government,
3 the Secretary shall consult with the Secretary of each Fed-
4 eral agency providing funds to be used to implement the
5 plan, and with the tribe submitting the plan. The parties
6 consulting on the implementation of the plan submitted
7 shall identify any waivers of statutory requirements or of
8 Federal agency regulations, policies or procedures nec-
9 essary to enable the tribal government to implement its
10 plan. Notwithstanding any other provision of law, the Sec-
11 retary of the affected agency shall have the authority to
12 waive any statutory requirement, regulation, policy, or
13 procedure promulgated by the affected agency that has
14 been identified by the tribe or the Federal agency to be
15 waived, unless the Secretary of the affected department
16 determines that such a waiver is inconsistent with the pur-
17 poses of this Act or those provisions of the statute from
18 which the program involved derives its authority which are
19 specifically applicable to Indian programs.

20 **SEC. 8. PLAN APPROVAL.**

21 Within 90 days after the receipt of a tribe's plan by
22 the Secretary, the Secretary shall inform the tribe, in writ-
23 ing, of the Secretary's approval or disapproval of the plan,
24 including any request for a waiver that is made as part
25 of the plan submitted by the tribal government. If the plan
26 is disapproved, the tribal government shall be informed,

1 in writing, of the reasons for the disapproval and shall
2 be given an opportunity to amend its plan or to petition
3 the Secretary to reconsider such disapproval, including re-
4 considering the disapproval of any waiver requested by the
5 Indian tribe.

6 **SEC. 9. FEDERAL RESPONSIBILITIES.**

7 (a) RESPONSIBILITIES OF THE DEPARTMENT OF THE
8 INTERIOR.—Within 180 days following the date of enact-
9 ment of this Act, the Secretary of the Interior, the Sec-
10 retary of Labor, the Secretary of Health and Human Serv-
11 ices, the Secretary of Education, the Secretary of Housing
12 and Urban Development, the United States Attorney Gen-
13 eral, the Secretary of Transportation, and the Director of
14 the National Institutes of Health shall enter into an inter-
15 departmental memorandum of agreement providing for
16 the implementation of the plans authorized under this Act.
17 The lead agency under this Act shall be the Bureau of
18 Indian Affairs, Department of the Interior. The respon-
19 sibilities of the lead agency shall include—

20 (1) the use of a single report format related to
21 the plan for the individual project which shall be
22 used by a tribe to report on the activities undertaken
23 by the plan;

24 (2) the use of a single report format related to
25 the projected expenditures for the individual plan

1 which shall be used by a tribe to report on all plan
2 expenditures;

3 (3) the development of a single system of Fed-
4 eral oversight for the plan, which shall be imple-
5 mented by the lead agency;

6 (4) the provision of technical assistance to a
7 tribe appropriate to the plan, delivered under an ar-
8 rangement subject to the approval of the tribe par-
9 ticipating in the project, except that a tribe shall
10 have the authority to accept or reject the plan for
11 providing the technical assistance and the technical
12 assistance provider; and

13 (5) The convening by an appropriate official of
14 the lead agency (whose appointment is subject to the
15 confirmation of the Senate) and a representative of
16 the Indian tribes that carry out projects under this
17 Act, in consultation with each of the Indian tribes
18 that participate in projects under this Act, of a
19 meeting not less than 2 times during each fiscal year
20 for the purpose of providing an opportunity for all
21 Indian tribes that carry out projects under this Act
22 to discuss issues relating to the implementation of
23 this Act with officials of each agency specified in
24 subsection (a).

1 (b) REPORT REQUIREMENTS.—The single report for-
2 mat shall be developed by the Secretary, consistent with
3 the requirements of this Act. Such report format, together
4 with records maintained on the consolidated program at
5 the tribal level shall contain such information as will allow
6 a determination that the tribe has complied with the re-
7 quirements incorporated in its approved plan and will pro-
8 vide assurances to the Secretary that the tribe has com-
9 plied with all directly applicable statutory requirements
10 and with those directly applicable regulatory requirements
11 which have not been waived.

12 **SEC. 10. NO REDUCTION IN AMOUNTS.**

13 In no case shall the amount of Federal funds avail-
14 able to a participating tribe involved in any project be re-
15 duced as a result of the enactment of this Act.

16 **SEC. 11. INTERAGENCY FUND TRANSFERS AUTHORIZED.**

17 The Secretary of the Interior, the Secretary of Labor,
18 the Secretary of Health and Human Services, the Sec-
19 retary of Education, the Secretary of Housing and Urban
20 Development, the United States Attorney General, the
21 Secretary of Transportation, or the Director of the Na-
22 tional Institutes of Health, as appropriate, is authorized
23 to take such action as necessary to provide for interagency
24 transfer of funds otherwise available to a tribe in order
25 to further the purposes of this Act.

1 **SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.**

2 (a) ADMINISTRATION OF FUNDS.—

3 (1) IN GENERAL.—Program funds shall be ad-
4 ministered in such a manner as to allow for a deter-
5 mination that funds from specific programs (or an
6 amount equal to the amount attracted from each
7 program) are spent on allowable activities authorized
8 under such program.

9 (2) SEPARATE RECORDS NOT REQUIRED.—

10 Nothing in this section shall be construed as requir-
11 ing the tribe to maintain separate records tracing
12 any services or activities conducted under its ap-
13 proved plan to the individual programs under which
14 funds were authorized, nor shall the tribe be re-
15 quired to allocate expenditures among individual
16 programs.

17 (b) OVERAGE.—All administrative costs may be com-
18 mingled and participating Indian tribes shall be entitled
19 to the full amount of such costs (under each program or
20 department's regulations), and no overage shall be count-
21 ed for Federal audit purposes, provided that the overage
22 is used for the purposes provided for under this Act.

23 **SEC. 13. FISCAL ACCOUNTABILITY.**

24 Nothing in this Act shall be construed to interfere
25 with the ability of the Secretary or the lead agency to ful-

1 fill the responsibilities for the safeguarding of Federal
2 funds pursuant to the Single Audit Act of 1984.

3 **SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO**
4 **INTEGRATION.**

5 (a) PRELIMINARY REPORT.—Not later than two
6 years after the date of enactment of this Act, the Sec-
7 retary shall submit a report to the Committee on Indian
8 Affairs of the Senate and the Committee on Resources of
9 the House of Representatives on the implemenation of the
10 program authorized under this Act.

11 (b) FINAL REPORT.—Not later than five years after
12 the date of the enactment of this Act, the Secretary shall
13 submit a report to the Committee on Indian Affairs of
14 the Senate and the Committee on Resources of the House
15 of Representatives on the results of the implementation
16 of the program authorized under this Act. The report shall
17 identify statutory barriers to the ability of tribes to inte-
18 grate more effectively their alcohol and substance services
19 in a manner consistent with the purposes of this Act.

20 **SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE**
21 **INDIAN ALCOHOL AND DRUG TREATMENT**
22 **PROGRAMS.**

23 Any State with an alcohol and substance abuse pro-
24 gram targeted to Indian tribes shall be eligible to receive,
25 at no cost to the State, such Federal personnel assign-

1 ments as the Secretary, in accordance with the applicable
2 provisions of the Intergovernmental Personnel Act of
3 1970, may deem appropriate to help insure the success
4 of such program.

5 **SEC. 16. ALASKA REGIONAL CONSORTIA.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, subject to subsection (b), the Secretary shall
8 permit a regional consortium of Alaska Native villages or
9 regional or village corporations (as defined or established
10 under the Alaska Native Claims Settlement Act (43
11 U.S.C. § 1601, et seq.)) to carry out a project under a
12 plan that meets the requirements of this Act through a
13 resolution adopted by the governing body of that consor-
14 tium or corporation.

15 (b) WITHDRAWAL.—Nothing in subsection (a) is in-
16 tended to prohibit an Alaska Native village or regional cor-
17 poration from withdrawing from participation in any por-
18 tion of a program conducted pursuant to that subsection.

